

DOCKET NO: 208326USOX

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

RENZO BIGNAZZI, ET AL.

SERIAL NO: 09/851,131

FILED: MAY 9, 2001

: EXAMINER: NGUYEN, T. M.

: GROUP ART UNIT: 1764

FOR: PROCESS FOR THE
SEPARATION OF 2,6-
DIMETHYLNAPHTHALENE FROM
MIXTURES CONTAINING IT

RECEIVED
DEC 03 2003
TC 1700

DECLARATION UNDER 37 CFR 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR: I, Renzo Bignazzi, declare and state as follows:

1. I am a named coinventor in the above-identified application.
2. I am familiar with the claims, and have read the Office Action mailed December 23, 2002, in the above-identified application.
3. The Examiner holds that it would have been obvious to substitute an alcohol, such as methanol, as a solvent in place of the solvent of EP 792858 (Takagawa et al), such as n-heptane, which is used in Example 1 thereof.
4. To that end, I understand that in the amendment filed October 24, 2002 in the above-identified application, it was explained that a mathematical model was used to compare the results obtained in Example 1 of Takagawa et al and results obtainable using the same crystallization temperature and the same isomer mixtures, but with methanol used as the solvent. The mathematical model simulated the crystallization at 20°C of the Takagawa et al's Example 1, carried out in heptane, and in methanol,

as shown in Tables A and B, respectively, submitted with said amendment, a copy of said Tables A and B attached herewith. By comparing the results in Tables A and B, it can be seen that the crystallization yield of 2,6 DMN significantly increases when changing from n-heptane (66.4%) to methanol (80.9%). In addition, the purity in the panel remains practically unchanged, i.e., 99.31% using n-heptane, and 99.34% using methanol. I confirm that the above are the results from this mathematical model.

5. In my opinion, a person of ordinary skill in the art would have accepted the results of this mathematical model as accurately predicting the results if actually carried out, and would have believed the results from using an alcohol as solvent to be unexpected compared to the results from using an aliphatic hydrocarbon as solvent.

6. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

7. Further declarant saith not.


Signature

26 / 10 / 2003
Date